

E-filed on 9/7/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VEDATECH K.K. and MANI
SUBRAMANIAN,

Plaintiffs,

v.

CRYSTAL DECISIONS, INC., et al.,

Defendants.

No. C-03-04578 RMW

ORDER GRANTING EX PARTE MOTION
TO CONTINUE ORDER TO SHOW CAUSE
RESPONSE AND HEARING DATES

On August 16, 2007, the court issued an order to show cause requiring plaintiffs to submit a written response by September 7, 2007 and appear on September 14, 2007 so that the court could assess the current status of the case.


On September 5, 2007, plaintiff Mani Subramanian filed an ex parte application seeking to continue these dates until January 2008 because he is in the process of appealing an order of default entered in the concurrent proceedings in English court. Defendants oppose the motion, asserting that Subramanian has (1) provided an incomplete status report on the English court proceedings and (2) misrepresented the status of those proceedings because he has asked for, but not been granted, permission to appeal the English court default. First, because Subramanian is asking for a continuance of the order to show cause deadlines set by the court, it is unsurprising that his motion

1 for that continuance would not provide a complete status report of the English court proceedings.
 2 Second, Subramanian quoted directly from the Business Objects SEC filings with regard to the
 3 status of the English proceedings, so it is difficult to see how he has misrepresented the status of the
 4 English appeal. The court finds that because plaintiffs are seeking relief from an English entry of
 5 default, a continuance would, as Subramanian argues, serve to permit the parties to seek clarification
 6 as to how to proceed before the English courts, thereby better "educating the Court and the
 7 Defendants as to the status of the UK proceedings and the future actions to be taken in that matter,
 8 including an anticipated timeline." *See* Defs' Opp'n to Mot. Continue at 3.

9 Defendants further oppose this motion asserting that because Subramanian cannot represent
 10 corporate plaintiff Vedatech, the ex parte motion is made by Subramanian alone and the show cause
 11 hearing should continue as to Vedatech. The court disagrees. In granting Vedatech's prior attorney's
 12 motion to withdraw, the court noted that the withdrawal of counsel would cause Vedatech difficulty.
 13 The court stated, "this action is stayed pending resolution of the appeal currently submitted to the
 14 English court" and that "the court will provide plaintiff thirty days to secure counsel once the stay in
 15 this case is lifted before it dismisses Vedatech's complaint for lack of representation." Order
 16 Granting Motion to Withdraw as Counsel at 2, Docket No. 78. Since the stay has not been lifted and
 17 this court issued the order to show cause of its own accord, it would be unfair to penalize Vedatech
 18 for not having counsel at this time.

19 For the foregoing reasons, the court grants Subramanian's ex parte motion for continuance of
 20 the order to show cause response and hearing dates. The date for plaintiffs' written response
 21 addressing the current status of the case and setting forth why the case should not be dismissed shall
 22 be continued until January 4, 2008. The date for the show cause hearing shall be continued to
 23 January 11, 2008.

24
 25 DATED: 9/7/07


 RONALD M. WHYTE
 United States District Judge

1 A copy of this order was mailed on 9/7/07 to:

2 **Plaintiff:**

3 Mani Subramanian
4 c/o Robert L. Oca
5 P. O. Box 12231
6 San Francisco, CA 94112

7 **Counsel for Defendant:**

8 Stephen J Kottmeier
9 Hopkins & Carley
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11 San Jose, CA 95113
12 Email: sjk@hopkinscarley.com

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14 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.
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